

## **Remarks**

### **Claim Rejections – 35 USC § 101**

The preamble of claim 34 has been revised such that this claim is now directed to statutory subject matter.

### **Claim Rejections – 35 USC § 102**

Examiner rejects claims 1, 2, 8-18, 24-34 under 35 U.S.C. 102(b) as being anticipated by Kumar et al. (US 6,434,367). This rejection is respectfully traversed in view of the following remarks.

Firstly, the only passage of Kumar which has been cited in support of Examiner's rejection of claim 1 is at col. 5 lines 46-67. This passage describes the feature in the cdma2000 standard of reverse-link power control. A base station monitors the power of reverse-link (i.e. uplink) signals transmitted by a terminal and issues power control signals to each terminal. Kumar goes on to describe an improved way of sending power control signals to a terminal. The method is performed by a base station.

Claim 1 of the presently claimed invention differs significantly from what is taught in Kumar. The present invention addresses a problem which can exist in wireless systems where uplink and downlink channels are not paired with each other by a consistent frequency offset. Because of this lack of a consistent pairing between uplink and downlink channels, a terminal may interfere with an ongoing communication link involving another terminal. In particular, the uplink transmission (10, Figs. 2,3,4,6) of a terminal (UE B) may interfere with an adjacent uplink transmission (30, Figs. 2,3,4,6) of another terminal (UE A) and, because the

downlink transmissions are no longer adjacent one another in the frequency spectrum (25, 40 in Fig.6 compared to the conventional pairing 20, 40 in Fig.6) terminal UE B is unaware that it is causing interference to terminal UE A.

Claim 1 of the present invention solves this problem by requiring that a terminal monitors for potential interference that it may be causing and operates in a manner to reduce this interference. In particular, claim 1 recites "A method of operating a terminal" and recites steps performed by a terminal of "determining which downlink channel is associated with the adjacent uplink channel" and of "monitoring that downlink channel". The monitoring of the downlink channel in this way enables the terminal to acquire information indicating whether it is causing interference on the adjacent uplink. Kumar fails to teach these steps, or to teach anything remotely similar to these steps. Furthermore, Kumar teaches a method which is performed entirely at a base station. Because Kumar teaches a method which is performed entirely at a base station, it is impossible for Kumar to monitor a downlink channel.

As Kumar does not teach every element of claim 1, this claim is not anticipated by Kumar. Independent claims 17, 33 and 34 contain similar limitations and are considered allowable for similar reasons as claim 1. Rejected dependent claims are considered allowable at least by virtue of being dependent on one of claims 1, 17, 33 and 34.

#### **Claim Rejections – 35 USC § 103**

Examiner's rejections of claims 3-7 and 19-23 under U.S.C. 103(a) are respectfully traversed as these rejections all rely on Kumar, the deficiencies of which have been explained above.

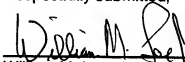
It is further noted that Skafidas et al. (US2004/0259558A1) does not teach the limitations of independent claims 1, 17, 33 and 34 which are missing in Kumar. Consequently, even if one of ordinary skill were motivated to combine the teachings

of Kumar and Skafidas, one would not arrive at the invention defined by these claims.

In view of the fact that all of the Examiner's comments have been addressed, further and favorable consideration is respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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